

REMARKS

Initially, Applicants would like to express appreciation to the Examiner, Mr. David Walkenhorst, for the courtesy of the interview conducted with his attorney Ms. Linda J. Hodge, on August 14, 2003. During the interview, the claims were discussed and compared to the prior art applied by the Examiner in the rejections, *i.e.*, NISHIKAWA et al. (U.S. Patent No. 5,610,447); BAKERMAN (U.S. Patent No. 4,493,147); and SHIBAYAMA et al. (U.S. Patent No. 6,470,567). No agreement was reached.

Applicants would also like to express appreciation to the Examiner for the detailed Official Action provided and for the acknowledgment of Applicants' Information Disclosure Statement by return of the Form PTO-1449. Accordingly, the Examiner is requested to indicate receipt of Applicants' Claim for Priority and the certified copies of the priority documents in the next Official action. Applicants also note that the Examiner has not indicated that the drawings have been approved by the Official Draftsperson on a Form PTO-948. The Examiner is thus requested to indicate that Applicant's drawings are acceptable in the next Official Action.

Applicants acknowledge with appreciation the Examiner's indication of allowable subject matter in claims 1-3.

Claims 1-17 are currently pending. Applicants respectfully request reconsideration of the outstanding rejections and allowance of claims 1-17 in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

The Examiner has rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over NISHIKAWA et al. (U.S. Patent No. 5,610,447). The Examiner takes the position that the NISHIKAWA et al. patent discloses a main harness and a sub harness, but fails to disclose that the group of wires has at least one joint portion and that the joint portion is provided only in the sub harness and with the main harness free of any joint portion. The Examiner has taken Official Notice that “the use of joint portions was well known in the wire harness art at the time the invention was made”, and contends that it would have been obvious to provide the NISHIKAWA et al. device with a group of wires with at least one joint portion for the purpose of allowing electrical connection with other electrical wires. The Examiner further contends that it would have been obvious to provide the NISHIKAWA et al. device with joint portions at any necessary location depending on the intended use of the harness, since it has been held that rearranging parts of an invention involves only routine skill in the art.

However, Applicants note that the NISHIKAWA et al. patent fails to teach or suggest the subject matter claimed, including, *inter alia*, “at least one main harness having at least one group of wires aligned in a substantially parallel direction; at least one sub harness having

at least one group of wires, the group of wires having at least one joint portion; and a coupling structure configured to couple the main and sub harnesses together to form a complete wiring harness that extends to interconnect the first and second device connectors, with the joint portion provided only in the sub harness and with the main harness free of any joint portions” as recited in independent claim 9. An embodiment of Applicants’ invention as claimed in claim 9 is shown at least in figures 4A and 4B, and described in the specification in paragraphs [0061] - [0068]. Applicants’ claimed invention, including a main harness left free of any joint portions provides many advantages over the prior art including, efficient manufacture by measuring and cutting the wires collectively, aligning the wires in a substantially parallel direction and avoiding cumbersome or awkward processes, the formation of complete subassemblies allowing early terminal insertion, and short wire length providing ease of manufacture. See particularly paragraphs [0064] - [0065].

However, as recognized by the Examiner, the NISHIKAWA et al. patent fails to teach or suggest a wiring system including joint portions in a sub harness only. In fact, as also recognized by the Examiner, NISHIKAWA et al. fails to teach or suggest a wiring system having any joint portions at all. The Examiner has concluded that modifying the NISHIKAWA et al. device to include a sub harness having joint portions and a main harness free of any joint portions would have been obvious to one having ordinary skill in the art. Initially, Applicants submit that the Examiner’s taking of Official Notice that “the use of

joint portions was well known in the wire harness art at the time the invention was made” is not appropriate in the present case. The Examiner has provided no documentary evidence to support the Official Notice. Applicants note that “[o]fficial notice without documentary evidence to support an examiner’s conclusion is permissible only in some circumstances”. Further, Official Notice without documentary evidence should be taken only “where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known” and must be “capable of such instant and unquestionable demonstration as to defy dispute”. See particularly MPEP § 2144.03. Since the facts asserted by the Examiner here are not well known as required, it is respectfully submitted that the taking of Official Notice without citing a prior art reference in the present case is improper.

Further, Applicants submit that nothing in the applied prior art teaches or suggests the claimed combination including a sub harness having joint portions and a main harness free of any joint portions, which provides at least the advantages of efficient manufacture, avoiding cumbersome or awkward processes, allowing early terminal insertion, and ease of manufacture as described above and in Applicants’ specification. Accordingly, Applicants submit that a factual basis for the rejection has not been established and thus a prima facie case of obviousness has not been established, and that rejection of claim 9 under 35 U.S.C. § 103(a) can only result from a review of Applicants’ disclosure and the application of

impermissible hindsight. Accordingly, the rejection of claim 9 under 35 U.S.C. § 103(a) over NISHIKAWA et al. is improper for all the above reasons and withdrawal thereof is respectfully requested.

The Examiner has rejected claims 4-6, 8, and 10-17 under 35 U.S.C. § 103(a) as being unpatentable over NISHIKAWA et al. in view of BAKERMAN (U.S. Patent No. 4,493,147). The Examiner takes the position that the NISHIKAWA et al. patent discloses a main harness and a sub harness, but fails to disclose that the group of wires has at least one cross over and that the cross over is provided only in the sub harness and with the main harness free of any cross over. The Examiner contends that it would have been obvious to form cross overs and to form cross overs in any location in the NISHIKAWA et al. device to allow desired connection of individual wires as taught by BAKERMAN.

However, as recognized by the Examiner, NISHIKAWA et al. fails to teach or suggest the subject matter claimed including, inter alia, a main harness and a sub harness, in which the sub harness includes a cross over and the main harness is free of any cross overs as required by independent claims 4, 10, and 12. An embodiment of Applicants' invention as claimed in claims 4, 10, and 12 is shown at least in figures 2A and 2B, and described in the specification in paragraphs [0053] - [0055]. Applicants' claimed invention, including a main harness left free of any cross overs provides many advantages over the prior art including, efficient manufacture by measuring and cutting the wires collectively, aligning the wires in

a substantially parallel direction and avoiding cumbersome or awkward processes, the formation of complete subassemblies allowing early terminal insertion, and short wire length providing ease of manufacture. See particularly paragraphs [0053] - [0055].

Further, BAKERMAN fails to cure the deficiencies of NISHIKAWA et al. In this regard, while BAKERMAN apparently teaches providing cross overs in a wire harness, BAKERMAN fails to teach or suggest providing a cross over in a sub harness and *not* providing a cross over in a main harness. Thus, even if the teachings of NISHIKAWA et al. and BAKERMAN were combined, as suggested by the Examiner, the claimed combination would not result.

Further, there is nothing in the cited prior art that would lead one of ordinary skill in the art to make the modification suggested by the Examiner in the rejection of claims 4, 10, and 12 under 35 U.S.C. § 103(a) over NISHIKAWA et al. and BAKERMAN. In this regard, Applicants note that, contrary to the Examiner's assertions, modification of the NISHIKAWA et al. device to provide a main harness with no cross overs and a sub harness with a cross over, as in Applicants' claimed invention, would involve more than just a rearrangement of parts (*i.e.*, at least an addition of parts would be required). Further, Applicants have disclosed in the application, including in the written specification and drawings, that the claimed configuration provides many advantages that were not realized in the prior art. See particularly the specification in paragraphs [0053] - [0055]. Thus, the

only reason to combine the teachings of NISHIKAWA et al. and BAKERMAN'S results from a review of Applicants' disclosure and the application of impermissible hindsight. Accordingly, the rejection of claims 4, 10, and 12 under 35 U.S.C. § 103(a) over NISHIKAWA et al. in view of BAKERMAN'S is improper for all the above reasons and withdrawal thereof is respectfully requested.

Applicants submit that dependent claims 5-8, 11, and 13-17 which are at least patentable due to their dependency from claims 4, 9, 10, and 12 for the reasons noted above, recite additional features of the invention and are also separately patentable over the prior art of record based on the additionally recited features.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of all the rejections, and an early indication of the allowance of claims 1-17.

COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

In response to the Reasons for Allowance attached to the Official Action, Applicants wish to clarify the record with respect to the basis for the patentability of claims 1-3 in the present invention.

In this regard, while Applicants do not disagree with the Examiner's indication that (as noted by the Examiner) "in combination as currently claimed, of the limitation of 'wherein the relay connectors of the first and second sub harnesses, the relay connectors and the end connectors of the first and second main harnesses include a predetermined terminal

arrangement pattern that is configured to correspond to the predetermined second terminal arrangement pattern of the first and second external connectors, so that the wire of the first main harness and the wire of the second main harness extend without intersecting with each other, whereby the end and relay terminals of the first and second main harnesses can be mounted in the end and relay connectors of the first and second main harnesses respectively during subassembly, and whereby the first and second main harnesses can be sub-assembled independently of each other; and wherein the end connectors of the first and second sub harnesses include a predetermined terminal arrangement pattern that is configured to correspond to the predetermined first terminal arrangement pattern of the first and second device connectors which does not correspond to the predetermined second terminal arrangement pattern of the first and second external connectors, so that the wire of the first sub harness and the wire of the second sub harness extend, intersecting with each other, whereby the first and second sub harnesses cannot be subassembled independently of each other’. These limitations were found in claims 1-3 and are neither disclosed nor taught by the prior art of record, alone or in combination”, Applicants further wish to make clear that the claims in the present application recite a combination of features, and that patentability of these claims is also based on the totality of the features recited therein, which define over the prior art.

SUMMARY AND CONCLUSION

In view of the foregoing, it is submitted that the present response is proper and that none of the references of record, considered alone or in any proper combination thereof, anticipate or render obvious Applicants' invention as recited in claims 1-17. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

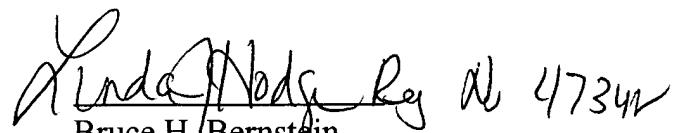
Accordingly, consideration of the present response, reconsideration of the outstanding Official Action, and allowance of all of the claims in the present application are respectfully requested and now believed to be appropriate.

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so.

P21566.A02

Should there be any questions, the Examiner is invited to contact the undersigned at the below listed number.

Respectfully submitted,
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